

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

KEVIN McCABE, Individually and on  
Behalf of All Others Similarly Situated,

*Plaintiff,*

-against-

LIFETIME ENTERTAINMENT SERVICES, LLC,

*Defendant,*

TODD C. BANK,

*Counsel to Plaintiff.*

1:17-cv-00908-ERK-SJB

**NOTICE OF APPEAL**

**PLEASE TAKE NOTICE**, that Plaintiff, Kevin McCabe (“McCabe”), by the undersigned counsel, hereby appeals the following to the United States Court of Appeals for the Second Circuit: (i) that part of the Order of this Court dated and entered with the clerk on March 26, 2018 (text order; no docket number) (“Order”), that adopted the recommendation, issued by Magistrate Judge Sanket J. Bulsara in the Report and Recommendation (“R&R”; Dkt. No. 32), to dismiss the Complaint; (ii) that part of the Order that adopted the recommendation, in the R&R, to deny McCabe’s cross-motion for sanctions against counsel to Defendant, Lifetime Entertainment Services, LLC (“Lifetime”); (iii) that part of the Judgment (the “Judgment”; Dkt. No. 34), dated and entered with the clerk on March 27, 2018, that ordered and adjudged that Lifetime’s motion to dismiss the Complaint is granted; (iv) that part of the Judgment that ordered and adjudged that McCabe’s cross-motion for sanctions against counsel to Lifetime is denied.

The undersigned counsel to McCabe, Todd C. Bank (“Bank”), hereby appeals the following to the United States Court of Appeals for the Second Circuit: (i) that part of the Order that adopted

the recommendation, in the R&R, to impose sanctions upon Bank; (ii) any part of the Order that the United States Court of Appeals for the Second Circuit interprets as having adopted the recommendation, in the R&R, to impose costs upon Bank; (iii) that part of the Judgment that ordered and adjudged that sanctions upon Bank are granted; and (iv) any part of the Judgment that the United States Court of Appeals for the Second Circuit interprets as having ordered and adjudged that costs upon Bank are granted.

Dated: April 19, 2018

*s/ Todd C. Bank*

Todd C. Bank  
119-40 Union Turnpike  
Fourth Floor  
Kew Gardens, New York 11415  
(718) 520-7125

*Counsel to Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2016, a true and accurate copy of the foregoing document is being filed electronically via the Court's electronic-case-filing (ECF) system. Notice of this filing will be sent to all parties by operation of the Court's ECF system and copies will be mailed to those parties, if any, who are not served via the Court's ECF system.

Dated: April 19, 2016

*s/ Todd C. Bank*

Todd C. Bank